

**ASSEMBLY BILL**

**No. 1249**

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**Introduced by Assembly Member Lackey**

February 27, 2015

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An act to amend Section 34601 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1249, as introduced, Lackey. Vehicles: motor carriers.

Existing law prohibits a motor carrier of property, as defined, from operating a commercial motor vehicle on any public highway in the state, unless it has obtained a carrier identification number in accordance with specified provisions, has registered the identification number with the Department of Motor Vehicles, and holds a valid motor carrier permit issued to that motor carrier by the department.

This bill would make technical, nonsubstantive changes to the definitions that apply to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 34601 of the Vehicle Code, as added by
- 2 Section 14 of Chapter 500 of the Statutes of 2013, is amended to
- 3 read:
- 4 34601. (a) As used in this division, "motor carrier of property"
- 5 means ~~any~~ a person who operates ~~any~~ a commercial motor vehicle
- 6 as defined in subdivision (c). "Motor carrier of property" does not
- 7 include a household goods carrier, as defined in Section 5109 of

1 the Public Utilities Code, a household goods carrier transporting  
2 used office, store, and institution furniture and fixtures under its  
3 household goods carrier permit pursuant to Section 5137 of the  
4 Public Utilities Code, ~~persons~~ *a person* providing only  
5 transportation of passengers, or a passenger stage corporation  
6 transporting baggage and express upon a passenger vehicle  
7 incidental to the transportation of passengers.

8 (b) As used in this division, “for-hire motor carrier of property”  
9 means a motor carrier of property as defined in subdivision (a)  
10 who transports property for compensation.

11 (c) (1) As used in this division, except as provided in paragraph  
12 (2), a “commercial motor vehicle” means ~~any~~ *a* self-propelled  
13 vehicle listed in ~~subdivisions~~ *subdivision* (a), (b), (f), (g), ~~and~~ *or*  
14 (k) of Section 34500, ~~any~~ *a* motortruck of two or more axles that  
15 is more than 10,000 pounds gross vehicle weight rating, and any  
16 other motor vehicle used to transport property for compensation.

17 (2) As used in this division, “commercial motor vehicle” does  
18 not include any of the following:

19 (A) ~~Vehicles~~ *A vehicle* identified in subdivision (f) of Section  
20 34500, if the gross vehicle weight rating of the towing vehicle is  
21 10,000 pounds or less.

22 (B) ~~Vehicles~~ *A vehicle* identified in subdivision (g) of Section  
23 34500, if the hazardous material transportation does not require  
24 the display of ~~placards~~ *a placard* under Section 27903, a license  
25 under Section 32000.5, or a hazardous waste transporter registration  
26 under Section 25163 of the Health and Safety Code, and the vehicle  
27 is not operated in commercial use.

28 (C) ~~Vehicles~~ *A vehicle* operated by a household goods carrier,  
29 as defined in Section 5109 of the Public Utilities Code, under the  
30 household goods carrier permit pursuant to Section 5137 of that  
31 code.

32 (D) ~~Vehicles~~ *A vehicle* operated by a household goods carrier  
33 to transport used office, store, and institution furniture and fixtures  
34 under its household goods carrier permit pursuant to Section 5137  
35 of the Public Utilities Code.

36 (E) ~~Pickup trucks~~ *A pickup truck* as defined in Section 471, if  
37 the conditions in subparagraphs (A) and (B) are also met.

38 (F) ~~Two-axle~~ *A two-axle* daily rental ~~trucks~~ *truck* with a gross  
39 vehicle weight rating of less than 26,001 pounds, when operated  
40 in noncommercial use.

(G) ~~Vehicles~~—A *vehicle* never operated in commercial use, including ~~motortrucks~~ a *motortruck* or two-axle truck-tractors, tractor, with a gross vehicle weight rating of less than 26,001 pounds, when operated singly, or, when used to tow a camp trailer, trailer coach, fifth-wheel travel trailer, trailer designed to transport watercraft, or a utility trailer, never operated in commercial use. ~~Vehicle combinations~~ A *vehicle combination* described in this subparagraph ~~are~~ is not subject to Section 27900, 34501.12, or 34507.5.

(d) ~~For purposes of~~ As used in this chapter, “private carrier” means a motor carrier of property, who transports only his or her own property, including, but not limited to, the delivery of goods sold by that carrier.

(e) This section shall become operative on January 1, 2016.